

2047 U.S.PTO  
030904

**UTILITY PATENT APPLICATION  
TRANSMITTAL**

Client-Matter No.: 56548-015

**Prior Application Info:**  
Examiner: Chakrabarti, A.  
Group/Art Unit: 1634  
Confirmation No.: 2031

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING BY "EXPRESS MAIL"  
"EXPRESS MAIL" MAILING LABEL NUMBER: EV 400 552 336 US  
DATE OF DEPOSIT: March 9, 2004  
I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE  
UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE"  
SERVICE UNDER 37 C.F.R. 1.10 ON THE DATE INDICATED ABOVE, AND IS  
ADDRESSED TO: MAIL STOP PATENT APPLICATION, COMMISSIONER FOR  
PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450  
Leand Bantados  
(TYPED NAME OR PERSON MAILING PAPER OR FEE)

This is a request for filing a  continuation  divisional application under 37 CFR 1.53(b), of pending prior application serial no. 10/034,882, filed December 27, 2001 (list only immediate prior application).

Title: **METHODS OF IDENTIFYING OPTIMAL DRUG COMBINATIONS  
AND COMPOSITIONS THEREOF**

Inventor(s)(full name of each inventor): Dale R. Pfost

No abandonment of, or termination of proceedings, has occurred in the above-identified prior application.

1.  An application based on the prior application as filed and containing no new matter is enclosed, consisting of:  
 \_\_\_\_\_ page application cover sheet  
 \_\_\_\_\_ pages of specification (includes claims and abstract)  
 \_\_\_\_\_ sheets of drawing(s).
2.  \_\_\_\_\_ 3 pages of a copy of the oath or declaration as originally filed in prior application (37 CFR 1.63(d)), U.S. serial no. 09/724,764, filed December 27, 2001, is enclosed.
3.  A signed statement DELETING inventor(s) named in the prior application (37 CFR 1.63(d)(2) and 1.33(b)) is attached.
4.  Nucleotide and/or Amino Acid Sequence Submission is enclosed:  
 \_\_\_\_\_ computer readable copy of sequence listing  
 \_\_\_\_\_ paper copy of sequence listing, pages \_\_\_\_\_ through \_\_\_\_\_  
 \_\_\_\_\_ Statement Under \_\_\_\_\_  
 \_\_\_\_\_ Request to Use Computer Readable Form of Sequence Listing From Another Application  
 \_\_\_\_\_ Other:
5.  Incorporation by Reference: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under item no. 2 of this form, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference herein.
6.  Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 in the prior application.
7.  A preliminary amendment is enclosed.
8. Small entity status:  
 a.  A small entity statement is enclosed.  
 b.  A small entity statement was filed in prior application serial no. \_\_\_\_\_, and such status is still proper and desired.  
 c.  is no longer claimed.

17392 U.S.PTO  
10/797164

030904

Inventor(s): Dale R. Pfost  
Docket No.: 56548-015  
Filed: Herewith  
Page 2

9. The prior application is assigned of record to ORCHID BIOSCIENCES, INC..
10. The power of attorney in the prior application is to CATHRYN CAMPBELL, Reg. No. 31,815.
11.  A copy of a change in power of attorney or authorization of agent as filed in the prior application (37 CFR 1.63(d)(4)) is enclosed.
12.  A return receipt postcard is enclosed.
13.  A Patent Application Bibliographic Data Sheet is enclosed.
14.  Request for Nonpublication and Certification is enclosed.
15.  A copy of the Petition for Extension of Time filed on (date) \_\_\_\_\_ in prior application serial number \_\_\_\_\_ is enclosed.
16.  Also enclosed:

The filing fee is calculated below:

				Rate		Fee		
	Number Filed	=	Number Extra	Small Entity	Other Entity		Small Entity	Other Entity
Total Claims	28 - 20	=	9	x \$9	\$18		\$	\$144.00
Independent Claims	10- 3	=	7	x \$43	\$86	=	\$	\$602.00
Multiple Dependent Claims Presented: <u>Yes</u> <input checked="" type="checkbox"/> <u>No</u>				\$145	\$290		\$	\$
				BASIC FEE		\$385	\$770.00	
				TOTAL FEE		\$	\$1,516.00	

17.  Please charge my Deposit Account No. 502624 in the amount of \$1,516.00. A duplicate copy of this sheet is enclosed.
18.  The filing fee is not enclosed. Do not charge our deposit account.
19.  The Commissioner is hereby authorized to charge fees under 37 CFR 1.16 and 1.17 which may be required or credit any overpayment to Deposit Account No. 502624. A duplicate copy of this sheet is enclosed.

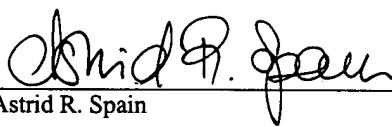
Inventor(s): Dale R. Pfost  
Docket No.: 56548-015  
Filed: Herewith  
Page 3

Address all future communications to:

Cathryn Campbell  
McDERMOTT, WILL & EMERY  
4370 La Jolla Village Drive, Suite 700  
San Diego, California 92122  
Telephone: (858) 535-9001  
Facsimile: (858) 535-8949

Respectfully submitted,

Dated: March 9, 2004

  
\_\_\_\_\_  
Astrid R. Spain  
Registration No. 47,956  
Attorney or agent of record

McDERMOTT, WILL & EMERY  
4370 La Jolla Village Drive, Suite 700  
San Diego, California 92122

**USPTO CUSTOMER NO: 41552**

Document: Copy of Declaration for Patent  
Application  
Attorney Client-Matter No: 56548-015

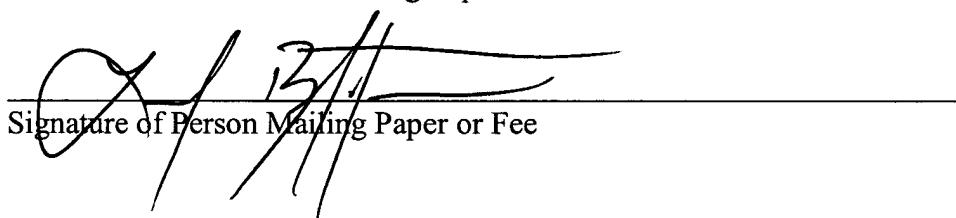
**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

"EXPRESS MAIL" MAILING LABEL NUMBER: EV 400 552 336 US

DATE OF DEPOSIT: March 9, 2004

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO MAIL STOP: PATENT APPLICATION, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

Printed Name of Person Mailing Paper or Fee: LEAND BANTADOS

  
Signature of Person Mailing Paper or Fee